App. F. IX-4

Previous References.
F. B 23-38 (16-19)

1944-45
F. B

File No. 11-44
Serial Nos. 4-6

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos.
Three

Part B for Branch 'B'.

SUBJECT

Resolution of the District Board B'lore to pay a sum of Rs 300 on account of Court costs payable to the Asiatic Assurance Co. for executing a sale deed

K 4480-81 dt 6-11-45

To The President, D.B.
Bangalore.
Thro' the
Comptroller & Auditor General's Office

From the P.D.B., Bangalore Dist.

Letter No C2. 21/41-42 & 2879/1944

Request to sanction to the resolution of the Dist Bd & 2879/44 to pay a sum of Rs 300/- being the Court Costs payable by the Board to the Asiatic Assurance Company in respect of the execution of a Sale deed with regard to the sale of a piece of land sold by the Dist Board to the above company.

1) Subd:- The G.O. No. L 7183-6/LD 23-38-19 & 14-2-40 sanctioning the Sale of the piece of land referred to above to the Asiatic Assurance Company is flagged (A). The resolution of the Board to pay a sum of Rs 300/- being the court-cost payable to the said Company by the Board is for orders.

2) This is an inevitable item of payment as the Mysore Court have rendered the cost being borne by each party. The Distt Board have also resolved to pay the cost of Rs 300/-. Hence the payment of Rs 300/- being the Court costs in the case may be sanctioned

Law Dept

SECY. LAW DEPT 3358 1944 GOVT. MYSORE

3) Marshie Sanctioned
Cir
25.10.44
Mem No 256
for
4) May be
changed kept
in being until
5) H.C.
28-10-44
6) Cir
30.10.44
7) Approved

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 26.10.44
No. 3238

Draft G.O. submd

Draft letter with reference to
31/X para 4. to be also put up.

Letter issued

for
31.X.44

2.

The P.D.B, Bangalore Dist, Comptroller to Govt
L 4480-1 dt 6/11/44.

Sanctions the proposals of the Board to pay
the court costs of a sum of Rs 3057-.

2.

The P. D.B, Bangalore Dist.
L 4482 dt 6/11/44

Calls for certain information

This is an old case Sup A
Remark please
14/11
14/8/45

This information has been furnished by the
Secretary in letter No J 753 Dy. H.S. 45 dated 1st
This may be received.
for
19/11/45

2453/c

Telegramme: PRESBOARD

Telephone: OFFICE 2150
BUNGALOW .2268

L.D. 11—44—6

OFFICE OF THE PRESIDENT,
DISTRICT BOARD, BANGALORE.

No. C.2.21/41-42

Dated, Bangalore, 20th Sept. 1944.

GEN. & REV SECTION
11 OCT 1944
L.S.

From

H. R. GURUV REDDY, Esq., B.A., LL.B.,
President, District Board,
BANGALORE.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT
30 SEP 1944

The Secretary to Government,
Law Department,
BANGALORE.

Through

The Deputy Commissioner, Bangalore District.

Sir,

I have the honour to state that a piece of land, measuring 12' X 240' to the west of the District Board Buildings was sold to the Asiatic Assurance Company., for a sum of Rs. 4,800/- as per G.O. No. L.7183-6/L.B. 23-38-19 dated 14th February 1940, on condition that they should put up only a compound wall enclosing the above piece of land, within their compound. The land was handed over to them duly. But, before the sale-deed was executed, the Company began to put up an out-house, on the compound wall, and also opened a couple of ventilators, overlooking the District Board compound. The Company was therefore addressed not to put up the building, as this was contrary to the agreement. In reply, they stated that the sale was not a conditional one. After legal consultation, it was found that the sale of land was absolute. Hence, the sale-deed was duly got executed and registered by the Board.

But, the Company apparently found some legal flaw in the Registered document and rushed to the Court for executing a fresh sale-deed, though they were intimated that the document was in order and if further rectification was necessary it would be done after consulting the proper authorities. The necessary rectifications were made in the document as suggested

by

by the District Registrar and the Sub Judge, Bangalore, and the fact was brought to the notice of the Court, where the suit had been filed, with a request that the suit filed by the Asiatic Assurance Company., may be dismissed with costs, as there was absolutely no necessity to take the matter to Court and as the Board was prepared to rectify the defect, if any. But, the Court ordered that half the plaintiff's costs should be borne by the Board.

An appeal on the above order was preferred to the High Court. But, the appeal was dismissed, on the ground that since lower court had not given any findings, as regards the merits of the case but decided only regarding the costs and, as such, it was not usual for the appellate court to interfere about costs, and further ordered that each party should bear his own costs in respect of the appeal.

The Court costs payable by the Board to the Asiatic Company comes to Rs. 300/-. I request you to kindly obtain sanction of Government to the payment of the same, under Section 157 (5) (c) of the District Board Manual, as the amount exceeds Rs. 100/-.

A copy of the resolution of the Board dated 28-8-1944 approving the payment of the same, is herewith enclosed for favour of ready reference.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT,
DISTRICT BOARD, BANGALORE.

D.R.S.20.

DB 16/1115 Encl
Forwarded with Compliments.

Deputy Commr
Bangalore Dist

PROCEEDINGS OF THE MEETING OF THE BANGALORE DISTRICT BOARD, HELD ON 28th AUGUST 1944.

XX XX XX XX

Subject No. 31. Payment of court costs of about Rs. 300/- to the Asiatic Government Security Life Assurance Company, Bangalore City, as per decree in O. S. No. 25/ 1942-43, on the file of the Sub Court, Bangalore.

Resolution:- Resolved that the costs may be paid to Court. The matter may be placed before the Standing Committee.

XX XX XX XX

Sd/- H. R. GURUV REDDY,
President,
District Board, Bangalore.

"EXTRACT"

PRESIDENT.

Dft I.

G. R. S. App. F VI—G 2]

SUBJECT .....

.....

.....

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 194 .

Date of issue ..... 6-11-1946.

Signed by Mr. G. R. Rao

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Section LB

File No. 11—4[illegible]

Serial No. 5

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G.O. no L7183-6/LB2 38-19 dated 14/2/1940 sanctioning the sale of 320 Sqr yards of land belonging to the Bangalore Dist Board to the Asiatic Life Insurance Compa

2) Letter no C2-21/41- dated 28/9/44 from the ~~Order thereon~~ No. P.D.B, Bangalore requesting sanction to the resolution of the Dist Board of 28/8/44 to pay a sum of Rs 300/- being the Court costs payable by the Board to the Asiatic Assurance Company for executing a fresh sale

sale deed in respect of the
sale of the plot of land
referred to in the G.O. read above
as above No. 4480-1 dt. 6/11/44

Launched

from
from Secy to Govt
Govt
Law Dept

To:

The P.W.D., Bangalore Div.
through the D.C.
" Comptroller to Govt.

List of Enclosures

Copied by

Examined by

WD 087—GPB—40,000—14-11-40

9/6 / L4482/ Dft II LB11-44-6

D26 11/44.

The P.D.B, Bangalore Dist
through the D.C

Sir,

With reference to your letter No. C2. 21/41-42 & 28/9/1944 Re: the Court costs payable to the Asiatic Assurance company in respect of the sale of a plot of land by the Dist Board, I am directed to ~~enquire~~ ~~request you to be so good as to state~~ enquire as to why the Bangalore Dist Board is using glazed paper in these days of paper scarcity.

I have etc

for Secy to Govt

Dy Secy